



The United States Constitution grants every person accused of a crime certain fundamental rights, including the right to a speedy trial, the right to counsel, the right to confront witnesses, and due process under the law, among others. Our Constitution, however, guarantees no rights to victims of crimes.

This lack of rights for victims of crime has caused many victims and their families to suffer twice, once at the hands of the criminal, and again at the hands of our justice system. Victims and their families are often treated as inconveniences, ignored throughout the trial proceedings, and sometimes even forced to stay out of the courtroom during trial proceedings.

FACT: 40 million people become victims of crime every year in the U.S.

FACT: The U.S. Constitution guarantees more than a dozen rights to those accused of committing crimes.

FACT: Not one word is written in the U.S. Constitution on behalf of crime victims.

In order to balance the scales of justice, I am co-sponsoring a constitutional amendment, the **Victims' Bill of Rights**, to provide certain fundamental protections for victims of crime. These include the right to be informed, the right to be present at trial proceedings and parole hearings, and the right to restitution from a convicted offender.

Protecting the rights of crime victims will not weaken the rights of the accused, it will simply restore some measure of fairness and balance to a system slanted decidedly against those who have nowhere else to turn for justice.

The following pages summarize the Crime Victims' Bill of Rights, the need for this amendment to the U.S. Constitution, and how you can help make our justice system work for everyone.

What is the Crime Victims' Bill of Rights?

The Crime Victims' Bill of Rights is a proposed amendment to the United States Constitution that would guarantee the following rights to victims of violent crime:

- ◆ **To be informed of and not be excluded from critical proceedings including:**
 - ◆ arraignment
 - ◆ preliminary hearing
 - ◆ trial
 - ◆ sentencing
 - ◆ appeals hearing, and
 - ◆ parole hearings;
- ◆ **To be heard at proceedings involving a release from custody, sentencing, or acceptance of a negotiated plea**
- ◆ **To notice of any release or escape of the offender**
- ◆ **To a disposition free from unreasonable delay**
- ◆ **To an order of restitution from the convicted offender**
- ◆ **To have the safety of the victims considered in determining a release from custody**
- ◆ **To notice of the victim's rights**

The Crime Victims' Amendment applies automatically to crimes of violence. In addition, individual states or Congress may, by legislation, extend these rights to victims of other crimes.

Why a Constitutional Amendment?

The Bill of Rights affords the highest constitutional protection to fundamental civil rights. The rights spelled out in the Constitution cannot, and should not, be abridged for any reason other than the most compelling state, national or public safety interest.

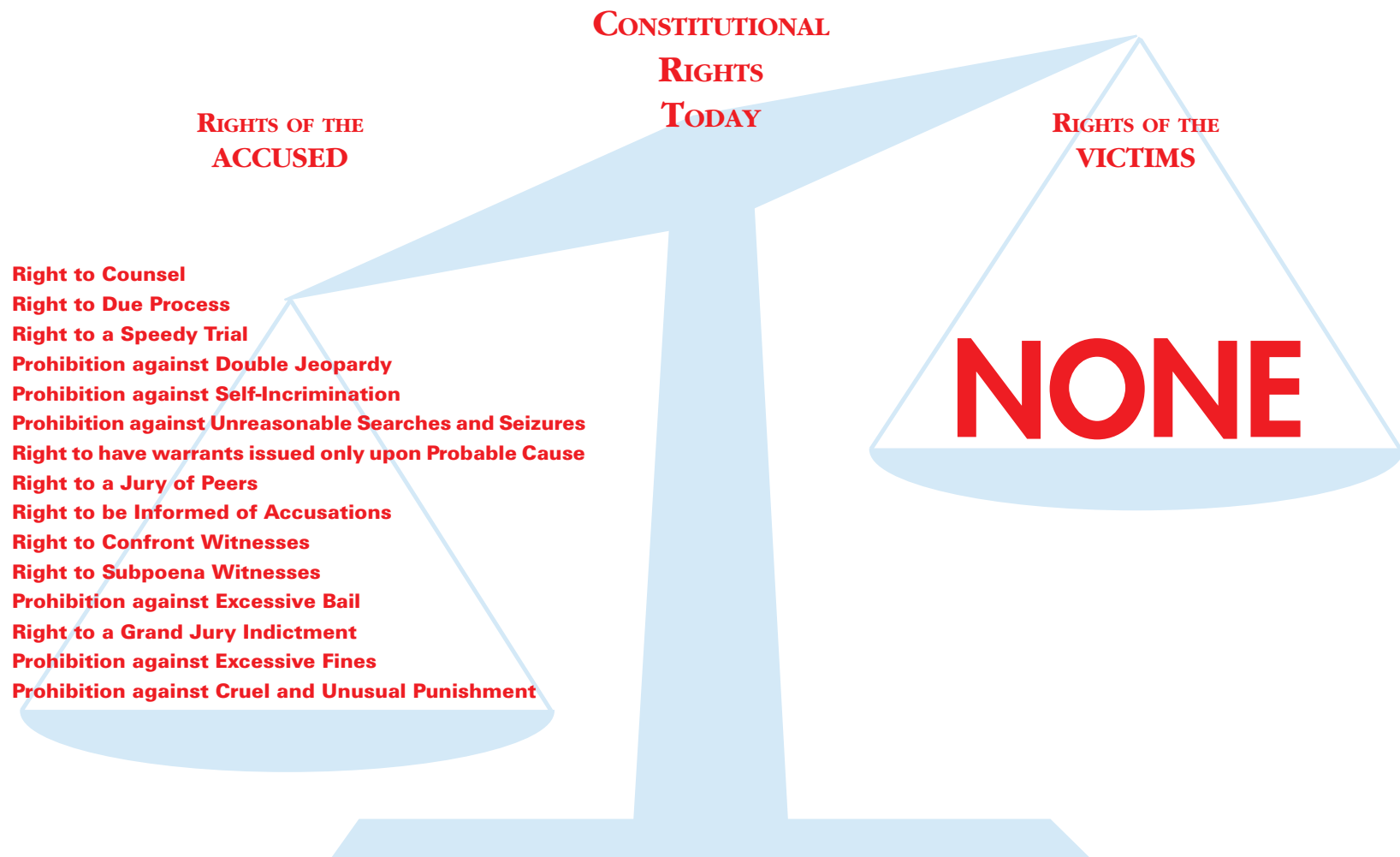
Because victims of crime have no rights, they are often overlooked in the judicial process or deliberately denied participation in deference to the rights of the accused. For instance, many family members of crime victims are denied the right to be present in the courtroom because the defendant's attorneys claim they may be called as material witnesses during the trial. All too often, though, they are never called to testify, but are merely kept out of the courtroom to keep them out of the sight of the jury.

Only when the rights of victims, such as the right to be present at trial proceedings, are given equal weight to the rights of the accused, will they be guaranteed protection under the law. State constitutional amendments and federal statutes to protect the rights of victims are not enough. As long as accused and convicted offenders' rights are protected by the United States Constitution, the rights of victims will be subordinate to the rights of the defendant.

The Need for a Victims' Rights Amendment

The need for a Constitutional Amendment for crime victims was first recognized in 1982 by the President's Task Force on Victims of Crime, which stated that the present system "has deprived the innocent, the honest, and the helpless of protection." The same year, California became the first state in the nation to pass a victims' rights amendment.

Today, nearly 15 years and millions of crime victims later, the Constitution still does not offer certain basic rights which can help balance the scales of justice between those accused of crimes and the victims of those crimes. As a matter of fact, victims and their families are often treated as inconveniences, ignored throughout trial proceedings, even forced to stay out of the courtroom.



A Failed System

When including the rights of the accused in the Constitution, our founding fathers did not think to include the rights of crime victims. Then again, in 1776, there weren't 40 million victims of crime every year and victims back then most likely weren't treated with as much disrespect as they are now.

Today, victims and their family members are all too often excluded from courtrooms, prohibited from testifying, forced to wait through years of trial appeals, not notified of parole hearings, not notified when their assailant has escaped or has been released, intimidated by freed assailants, and denied full restitution.

Below are just a few examples of the injustices faced by too many innocent victims.

Case: Frank Carlson: Murdered.

Annette Carlson: Raped, beaten, left for dead.

Annette Carlson, 24, was forced to watch as an assailant beat her husband, Frank, to death. He then repeatedly raped and beat her, breaking her arms, fingers, shoulder and jaw. He then set the couple's bodies on fire. Annette survived and lived to testify against her attacker.

Status: She has never been notified of her attacker's ten separate parole hearings, and has changed her name in fear of the day he is released from jail.

Case: Patricia Pollard: Raped, beaten, left for dead.

The assailant who raped and beat Patricia Pollard was paroled 10 years short of serving his minimum sentence - without any notice to Patricia. Within a year he was put back in jail for serious narcotics violations and was to be released to "home arrest" three years later.

Status: Patricia's assailant was to be released once again, but due to a state victims' rights amendment passed during that time, Patricia was allowed to appeal his parole, and won the right for a new hearing and to testify. Following her testimony against his release, the Board of Pardons reversed its prior decision and denied parole.

Case: Scott Campbell: Strangled, then thrown from airplane.

It took eleven months before Gary and Collene Campbell learned what had happened to their only son who was missing. The long wait was just a precursor of things to come. Seven years and nine months later, the initial trial phase of Scott's two assailants was completed.

Status: Today, fourteen years after Scott was murdered, the Campbells continue to sit outside of courtrooms they have been prohibited from entering as their son's killers continue appealing their convictions.

Case: Catina Rose Salarno: Murdered.

The brutal shooting death of college freshman Catina Salarno in 1979 and the treatment of her family in the aftermath was a catalyst for the first victims' rights movement in California.

Status: Her family was not allowed in the courtroom and had to receive news of the trial proceedings by waiting in hallways outside the courtroom.

Case: Jay Prescott: Killed by Drunk Driver.

After Katherine Prescott's 16-year old son was struck by a drunk driver, she wanted to become involved in the prosecution of the defendant. The prosecutor's office, however, refused to give her pertinent information on the case, did not allow her to testify and even threatened to evict her from the courtroom if she showed any emotions during the trial.

Status: Katherine was forced to hire a private attorney and pay him to find out information on the case. She has since founded Mothers Against Drunk Driving (MADD), the largest crime victims' assistance organization in the world.

How the U.S. Constitution is Amended

In its 207 year history, 27 amendments have been added to the U.S. Constitution, including the first ten, which are known as the Bill of Rights. Amending the United States Constitution involves two separate processes:

1. Congress or States Propose an Amendment

Amendments may be proposed by Congress, which must be passed by two-thirds of the Members in both the House and Senate. The Constitution may also be amended at a "Constitutional Convention," which requires the support of two-thirds of the states to be formed. So far, there has never been a convention called under this authority.

2. Ratification by the States

Upon passage of the amendment by either Congress or the Constitutional Convention, three-fourths of all state legislatures must vote in favor of the amendment for it to be added to the U.S. Constitution.

Support For A Victims' Bill of Rights

The Victims' Rights Amendment has received **bipartisan support in Congress** with its introduction by Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA), and Congressman Henry Hyde (R-IL). Today, **25 states now have victims' rights amendments** in their state constitutions or are in the process of ratifying a victims' rights amendment. The **parental and crime victims organizations** actively supporting the adoption of a Victims' Rights Amendment to the U.S. Constitution are:

Mothers Against Drunk Drivers (MADD)
National Victim Center
Victims' Assistance Legal Organization
John Walsh, host, "America's Most Wanted"
National Center for Missing & Exploited Children
L.A. County Police Chief's Association
L.A. County Sheriff Sherman Block

Parents of Murdered Children
National Organization for Victims Assistance
Doris Tate Crime Victims Bureau
Citizens for Law & Order
National Victims Constitutional
Amendment Network

How You Can Help

- ◆ Call your Representative in Congress and U.S. Senator at (202) 224-3121
- ◆ Send letters to your Member of Congress:
House of Representatives/U.S. Senate
Washington, D.C.
20515 (House) or 20510 (Senate)
- ◆ Write letters to the editor of your local newspaper to make others aware of the need for a Crime Victims' Bill of Rights.
- ◆ Ask your local district attorney, police chief, sheriff and state attorney general for their formal endorsement.



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